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REMARKSResponse to Detailed ActionClaim Objections

Claim 25 has been amended to depend from Claim 16.

Response to Detailed ActionClaim Rejections - 35 USC 102

Claim 1 - As originally written, Claim 1 did not expressly mention that the sources provided data relevant to operations of "one or more systems of" the apparatus other than the engine, although it is believed that the reader would certainly have understood that. It is submitted that the addition of the quoted phrase to Claim 1 removes the basis for rejection.

The reference (Weisbrod et al. '523), as noted by the Action, relates to an apparatus that comprises a stationary engine. Study of the reference discloses that the engine is the entire apparatus, meaning that the reference has no systems external to the engine itself. Without such systems, the reference has no sources for "providing data relevant to operations of one or more systems of the apparatus that are external to the engine but potentially influential on fueling of the engine", as called for by Claim 1.

Moreover, it is respectfully submitted that the portions of the reference relied on (col. 9, line 6 - col. 10, line 45) for teaching of "an engine control system comprising a processor for processing data according to an all-speed governing strategy for controlling the fueling

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system to develop all-speed governed fueling data that sets engine fueling when a data input to the engine control system from the one or more sources discloses no need to influence engine fueling, but when the data input from such one or more sources discloses a need to influence engine fueling, that data input causes engine fueling to be set by a strategy other than the all-speed governing strategy" do not disclose the quoted subject matter. The reference appears to use exclusively only one governing strategy.

For these reasons, it is submitted that Claim 1 is not anticipated by the reference.

Withdrawal of the rejection is believed proper and is respectfully requested.

Claim 2 - The Action recognizes that the reference relates to a stationary engine, not a motor vehicle engine. Such a recognition seemingly contradicts the rejection of a claim like this one that positively recites that the apparatus comprises a wheeled vehicle propelled by the engine.

It is believed that the rejection can be withdrawn without further argument by applicant, and such withdrawal is respectfully requested.

Claims 4-15 - These Claims in one way or another relate to various aspects of the invention resulting from the selective use of an all-speed governing strategy and a different strategy, based on the processing of data from the sources of data for systems other than the engine. Discussion of these various aspects is considered unnecessary in light of the arguments presented above that distinguish Claim 1.

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Withdrawal of the rejection of Claims 4-15 is submitted to be proper and is respectfully requested.

Claim 16 - This Claim has been amended in the same way as Claim 1 and is distinguished from the reference in the same way that Claim 1 has been. The remarks given above with respect to Claim 1 are incorporated here by reference.

For those reasons, it is submitted that Claim 16 is not anticipated by the reference. Withdrawal of the rejection is believed proper and is respectfully requested.

Claims 17-24 - These Claims in one way or another relate to various aspects of the invention resulting from the selective use of an all-speed governing strategy and a different strategy, based on the processing of data from the sources of data for systems other than the engine. Discussion of these various aspects is considered unnecessary in light of the arguments presented above that distinguish Claim 1 and Claim 16.

Withdrawal of the rejection of Claims 17-25 is submitted to be proper and is respectfully requested.

Claims 28, 29, and 31-42 - These Claims relate to a motor vehicle. The Action recognizes that the reference relates to a stationary engine, not a motor vehicle engine. It is not seen where the reference describes any motor vehicle at all, much less elements of a motor vehicle like those recited in Claim 29 for example. Quite simply, the reasoning given for rejection is not supported by the reference.

It is believed that the rejection therefore can be withdrawn without further argument regarding any of the

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claims of this grouping by applicant, and such withdrawal is respectfully requested.

Claims 43-46 - Claim 43 relates to a method of controlling a fueling system of an engine by an accelerator position sensor free of influence from certain external sources in an all-speed governing mode. When operation is influenced by one or more of those external sources, the fueling is set by a strategy other than all-speed governing.

Hence, Claim 43 contemplates two distinct strategies, of which is all-speed governing modes of control, and as mentioned above in connection with Claim 1, the reference appears to use exclusively only one governing strategy.

Claims 44-46 define the other strategy as a torque-speed strategy. No such strategy is seen in the reference.

Therefore it is submitted that Claims 43-46 are distinguished from the reference.

Withdrawal of the rejection is respectfully requested.

Response to Detailed Action

Claim Rejections - 35 USC 103

Claims 3 and 30 - The remarks above concerning Claims 1 and 28 are incorporated here by reference. The rejection of Claims 3 and 30 is submitted to be in error for those reasons alone.

While the secondary reference (Isaac et al. '459) may makes reference to possible uses of torque control in a motor vehicle, the rejection makes no showing that the reference teaches that the various systems mentioned can

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act to change fueling strategy from an all-speed governing one to other than an all-speed governing strategy.

Consequently, it is submitted that the combination does not teach the subject matter of either Claim 3 or 30, and withdrawal of the rejection is therefore respectfully requested.

Conclusion

For reasons presented herein, favorable reconsideration and allowance are respectfully requested.

Please continue to direct correspondence to the attorney of record. However, any questions regarding the content of this paper should be directed to the undersigned.

Contingent Deposit Account Authorization

Although it is believed that no additional claim fee is due in connection with the filing of this paper, any lawful fee determined by the Commissioner to be due with this filing may be charged to Deposit Account No. 14-0603.

Respectfully submitted,


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